

TITLE 7

FIRE PROTECTION AND FIREWORKS¹

CHAPTER

1. FIRE DISTRICT.
2. FIRE CODE.
3. FIRE DEPARTMENT.
4. FIRE SERVICE OUTSIDE CITY LIMITS.
5. FIREWORKS.

CHAPTER 1

FIRE DISTRICT

SECTION

7-101. Fire limits described.

7-101. Fire limits described. The corporate fire limits shall include all that area within one (1) block east and west and two (2) blocks north and south of the town square (1979 Code, § 7-101)

¹Municipal code reference

Building, utility and housing codes: title 12.

CHAPTER 2

FIRE CODE¹

SECTION

- 7-201. Fire code adopted.
- 7-202. Enforcement.
- 7-203. Definition of "municipality."
- 7-204. Gasoline trucks.
- 7-205. Modifications.
- 7-206. Violations.

7-201. Fire code adopted. (1) That a certain document, three (3) copies of which are on file in the office of the and Building Codes Department of City of Fayetteville being marked and designated as the International Fire Code, 2006 edition, including Appendix Chapters A, B, C, D, E, F, and G, as published by the International Code Council,² be and is hereby adopted as the Fire Code of the City of Fayetteville, in the State of Tennessee regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the City of Fayetteville are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (2) of this section.

(2) That the following sections are hereby revised:

Section 101.1 City of Fayetteville.

Section 109.3. Violation of Fire Code, \$50.00 each violation per day.

Section 111.4. not less than \$50.00 or more than \$50.00 per day of violation.

(3) That the geographic limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

Section 3204.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): As approved by the fire chief.

¹Municipal code reference

Building, utility and housing codes: title 12.

Life safety code: title 12, chapter 10.

²Copies of this code are available from the International Code Council, 900 Montclair Road, Birmingham, Alabama 35213-1206.

Section 3404.2.9.5.1 (geographic limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited): As approved by the fire chief.

Section 3406.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in aboveground tanks is prohibited): As approved by the fire chief.

Section 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): As approved by the fire chief (1979 Code, § 7-201, modified, as replaced by Ord. #98-1, § 5, Feb. 1998; Ord. #2001-4, March 2001, and Ord. #2007-32, Oct. 2007)

7-202. Enforcement. The fire prevention code herein adopted by reference shall be enforced by the chief of the fire department. (1979 Code, § 7-202)

7-203. Definition of "municipality." Whenever the word "municipality" is used in the fire prevention code herein adopted, it shall be held to mean the City of Fayetteville. (1979 Code, § 7-203)

7-204. Gasoline trucks. No person shall operate or park any gasoline tank truck within the central business district or within any residential area at any time except for the purpose of and while actually engaged in the expeditious delivery of gasoline. (1979 Code, § 7-204)

7-205. Modifications. The chief of the fire department may recommend to the board of mayor and aldermen modifications from the provisions of the fire prevention code upon application in writing by any property owner or lessee, or the duly authorized agent of either, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed shall be contained in a resolution of the board of mayor and aldermen. (1979 Code, § 7-205)

7-206. Violations. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the city code shall not be held to prevent the enforced removal of prohibited conditions. (1979 Code, § 7-206)

CHAPTER 3

FIRE DEPARTMENT¹

SECTION

- 7-301. Establishment, equipment, and membership.
- 7-302. Objectives.
- 7-303. Organization, rules, and regulations.
- 7-304. Records and reports.
- 7-305. Tenure and compensation of members.
- 7-306. Chief responsible for training and maintenance.
- 7-307. Chief to be assistant to state officer.

7-301. Establishment, equipment, and membership. There is hereby established a fire department to be supported and equipped from appropriations by the board of mayor and aldermen. All apparatus, equipment, and supplies shall be purchased by or through the municipality and shall be and remain the property of the municipality. The fire department shall be composed of a chief appointed by the board of mayor and aldermen and such number of physically-fit subordinate officers, fire marshal and firemen as the chief shall appoint and the fire committee shall approve. (1979 Code, § 7-301)

7-302. Objectives. The fire department shall have as its objectives:

- (1) To prevent uncontrolled fires from starting.
- (2) To prevent the loss of life and property in case a fire does start.
- (3) To confine fires to the place of origin.
- (4) To extinguish uncontrolled fires.
- (5) To prevent loss of life from asphyxiation or drowning.
- (6) To perform such rescue work as its equipment and/or the training of its personnel makes practicable. (1979 Code, § 7-302)

7-303. Organization, rules, and regulations. The chief of the fire department shall set up the organization of the department, make definite assignments to individuals, and shall formulate and enforce such rules and regulations as shall be necessary for the orderly and efficient operation of the fire department. (1979 Code, § 7-303)

7-304. Records and reports. The chief of the fire department shall keep adequate records of all fires, inspections, apparatus, equipment, personnel, and work of the department. He shall submit a written report on such matters

¹Municipal code reference

Special privileges with respect to traffic: title 15, chapter 2.

to the mayor once each month, and at the end of the year a detailed annual report shall be made. (1979 Code, § 7-304)

7-305. Tenure and compensation of members. The chief shall hold office so long as his conduct and efficiency are satisfactory to the governing body. However, so that adequate discipline may be maintained, the chief shall have the authority to suspend up to thirty (30) days any other member of the fire department when he deems such action to be necessary for the good of the department. The chief may with the approval of the fire committee discharge any member of the fire department when he deems such action to be necessary for the good of the department. The chief may be suspended up to thirty (30) days by the mayor but may be dismissed only by the board of mayor and aldermen.

All personnel of the fire department shall receive such compensation for their services as the board of mayor and aldermen may from time to time prescribe. (1979 Code, § 7-305)

7-306. Chief responsible for training and maintenance. The chief of the fire department, shall be fully responsible for the training of the firemen and the minimum training shall consist of having the personnel take the fire apparatus out for practice operations not less than once a month. (1979 Code, § 7-306)

7-307. Chief to be assistant to state officer. Pursuant to requirements of Tennessee Code Annotated, § 68-102-108, the chief of the fire department is designated as an assistant to the state commissioner of commerce and insurance and is subject to all the duties and obligations imposed by Tennessee Code Annotated, title 68, chapter 102, and shall be subject to the directions of the fire prevention commissioner in the execution of the provisions thereof. (1979 Code, § 7-308)

CHAPTER 4**FIRE SERVICE OUTSIDE CITY LIMITS****SECTION**

7-401. Use of equipment outside city restricted.

7-401. Use of equipment outside city restricted. The fire department shall answer calls within the corporate limits. The chief may, at his discretion, order fire department personnel and equipment to answer calls outside the limits described above. However, in such event an experienced driver must remain at the fire hall and no more than one pumper and one snorkel and twenty-five per cent (25%) of the personnel may answer any such call. (1979 Code, § 7-307, as amended by Ord. #98-4, April 1998)

CHAPTER 5

FIREWORKS

SECTION

7-501. Fireworks unlawful.

7-502. Unlawful uses of fireworks.

7-501. Fireworks unlawful. It shall be unlawful for fire crackers, torpedoes, Roman candles, sparklers or other fireworks or substances designated and intended for pyrotechnic display to be sold within the fire limits of the city except in a building of masonry construction.

It shall also be unlawful to fire, discharge, or explode such fireworks within the corporate fire limits. (1979 Code, § 7-102)

7-502. Unlawful uses of fireworks. It is unlawful to discharge or use fireworks from city property, streets or sidewalks without prior written consent of the board of mayor and aldermen. It is unlawful to ignite or discharge fireworks within or throw them from a motor vehicle, and it is unlawful to place or throw ignited fireworks into or at a motor vehicle, or at or near any person or group of persons. It is unlawful to launch fireworks onto property of persons who have not given permission to do so. It is unlawful to use fireworks in any manner that endangers other persons or property. (as added by Ord. #2008-17, Dec. 2009)